

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**THE TRUSTEES OF THE MINNESOTA
CEMENT MASONS AND PLASTERERS
FRINGE BENEFITS FUNDS,**

Civil No. 03-6143 (JNE/JGL)

Plaintiffs,

v.

O R D E R

**M.L. JOHNSON CONCRETE, INC. and
MARLON L. JOHNSON,**

Defendants.

APPEARANCES

Stephen C. Kelly, Esq. on behalf of Plaintiffs

Steven C. Opheim, Esq. on behalf of Defendants

Based upon the Report and Recommendation by Chief United States Magistrate Judge Jonathan Lebedoff dated July 5, 2005; all the files, records, and proceedings herein; and no objections having been filed to that Report and Recommendation;

IT IS HEREBY ORDERED:

- (1) Plaintiffs' Motion for an Order to Show Cause (Doc. No. 10) is **GRANTED**;
- (2) The Clerk's Office is directed to enter default against Defendants M.L. Johnson Concrete, Inc. and Marlon L. Johnson; and

(3) Judgment by default is entered in the amount of \$86,578.85.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: July 28, 2005

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Court